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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Plaintiff Amanda Blackhorse, Marcus Briggs, Phillip Gover, Shquanebin Lone-Bentley, Jillian Pappan, and Courtney Tsotigh
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Date	04/21/2011
Attachments	Blackhorse - Petitioners' Statement.pdf (4 pages)(113758 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No. 1,606,810 (REDSKINETTES)
Registered July 17, 1990,

Registration No. 1,085,092 (REDSKINS)
Registered February 7, 1978,

Registration No. 987,127 (THE REDSKINS & DESIGN)
Registered June 25, 1974,

Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)
Registered June 18, 1974,

Registration No. 978,824 (WASHINGTON REDSKINS)
Registered February 12, 1974,

and Registration No. 836,122 (THE REDSKINS—STYLIZED LETTERS)
Registered September 26, 1967

Amanda Blackhorse, Marcus Briggs, Phillip Gover, Jillian Papan, and Courtney Tsotigh,	)	
Petitioners,	)	
v.	)	Cancellation No. 92/046,185
Pro-Football, Inc.,	)	
Registrant.	)	

PETITIONERS' STATEMENT CONCERNING "BRING INTO CONTEMPT, OR DISREPUTE"

During the April 13, 2011 pretrial conference, Administrative Trademark Judge Marc A. Bergsman asked the parties whether they believe that the "disparagement" and "contempt or disrepute" provisions of 15 U.S.C. § 1052(a) set forth different standards for cancellation of a

trademark registration. At the conference, Petitioners requested additional time to respond. Petitioners now provide their response.

Section 2(a) of the Lanham Act provides, in part, that a trademark registration is subject to cancellation if it "consists of or comprises . . . matter which may disparage . . . persons, living or dead, . . . or bring them into contempt, or disrepute." 15 U.S.C. § 1052(a); *see also* 15 U.S.C. § 1064(3) (authorizing petitions to cancel trademark whose registration was obtained contrary to Section 2(a)).

In *Harjo v. Pro-Football, Inc.*, 50 USPQ2d 1705 (TTAB 1999), the Board held that there was no practical difference between the standard for disparagement and the standard for bringing persons into contempt or disrepute. The Board stated that "the guidelines for determining whether matter in the marks in the challenged registrations may be disparaging to Native Americans are equally applicable to determining whether such matter brings Native Americans into contempt or disrepute. *Id.* at 1748; *see also id.* at 1740. Subsequently, in *Harjo*, the district court declared that the TTAB had "conflated the 'contempt or disrepute' inquiry with the 'disparage' inquiry," even though none of the parties had argued that different standards apply to the inquiries." *Harjo v. Pro-Football, Inc.*, 68 USPQ2d 1225, 1239 (D.D.C. 2003).

In fact, as the Board's opinion makes clear, the Board expressly considered the issue, performed legal research, consulted dictionary definitions, and provided a reasoned explanation that the guidelines applicable to the "may disparage" standard also apply to the "may bring into contempt or disrepute" standard. *Harjo*, 50 USPQ2d at 1740.

Petitioners' research has not uncovered any legal authority setting forth standards for the "may bring into contempt or disrepute" inquiry that differ from the "may disparage" inquiry.

Petitioners are unaware of any reason to establish a separate standard for the "may bring into contempt or disrepute" prong of Section 2(a).

CONCLUSION

Petitioners respectfully submit that, in this proceeding, the Board may properly apply the *Harjo* standard for the "may bring into contempt or disrepute" prong of Section 2(a) of the Lanham Act.

Respectfully Submitted,

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Dated: April 21, 2011

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 21, 2011, he caused a copy of the foregoing Petitioners' Statement Concerning "Bring Into Contempt, Or Disrepute" to be served via email and by first class mail upon the following:

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